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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,658	06/11/2001	Takahide Ohkami	264/087	2956

34313 7590 08/09/2005

ORRICK, HERRINGTON & SUTCLIFFE, LLP  
IP PROSECUTION DEPARTMENT  
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IRVINE, CA 92614-2558

EXAMINER

SHARON, AYAL I

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)	
	09/879,658	OHKAMI, TAKAHIDE	
	Examiner	Art Unit	
	Ayal I. Sharon	2123	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 10.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-7.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
Applicant's Arguments are not persuasive. See the attached discussion.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

*pd*

## **ADVISORY ACTION**

### ***Request for Interview***

1. The Applicant requested an interview after the Final Office action was mailed. This requested was faxed to the Central Fax Number, instead of contacting the Examiner directly. The Examiner therefore did not receive this request in a timely manner. Even if the request had arrived in a timely manner, the Examiner would have denied the request on the grounds that the prosecution of the case is closed.

### ***Response to Arguments***

2. Applicant unpersuasively argues (See "After Final Response", dated 7/15/05, p.9, para.1): "Plainly, 'minimizing' overhead is not the same as 'increasing' bandwidth." Examiner respectfully disagrees. Reducing the amount of data sent through a communication channel ('minimizing overhead'), frees up capacity on that channel ('increasing bandwidth').
3. Applicant unpersuasively argues (See "After Final Response", dated 7/15/05, p.9, para.2): "... Sample's 'programmable interconnect' is used to arbitrarily interconnect the inputs and outputs of the FPGA devices. In contrast, the 'accessibility logic' required by claim 1 is used to create access ports to the memories and registers in *the user's logic design*." Examiner respectfully

disagrees. FPGA devices are Field Programmable Gate Arrays ("FPGA"). It is the FPGA that contains the user's logic design, and therefore, the connection of inputs and outputs to the FPGA inherently connects to ports in the user's logic design.

4. Applicant unpersuasively argues (See "After Final Response", dated 7/15/05, p.10, para.1): " ... claim 1 requires that the accessibility logic *be synthesized into the user's design.*" It is inherent that accessibility logic is synthesized into the user's design that is stored in the FPGAs, otherwise Sample's programmable FPGA interconnect (Fig.1, Item 12 and col.4, lines 60-65) would have nothing to connect to.
5. The preceding paragraph also applies to Applicant's arguments regarding independent claim 6.

#### ***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayal I. Sharon whose telephone number is (571) 272-3714. The examiner can normally be reached on Monday through Thursday, and the first Friday of a biweek, 8:30 am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached at (571) 272-3749.

Art Unit: 2123

Any response to this office action should be faxed to (571) 273- 8300, or  
mailed to:

USPTO  
P.O. Box 1450  
Alexandria, VA 22313-1450

or hand carried to:


USPTO  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the Tech Center 2100 Receptionist, whose  
telephone number is (571) 272-2100.

Ayal I. Sharon

Art Unit 2123

August 4, 2005

  
Paul L. Rodriguez  
Primary Examiner  
Art Unit 2125 8/5/05